

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ARQUINCY L. CARR,

Plaintiff,

v.

MELINDA DERUS,

Defendant.

ORDER

Case No. 16-cv-519-wmc

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On September 18, 2019, the court granted *pro se* plaintiff ArQuincy Carr leave to proceed against defendant Melinda Derus on constitutional claims related to Derus's alleged refusal to give him access to certain programs. Defendant filed an answer and this case was set for a telephonic preliminary pretrial conference on December 13, 2019, which was rescheduled for December 20, 2019, at 9:30 a.m. After Carr failed to call in for the conference, Magistrate Judge Stephen Crocker issued the following order:

On December 20, 2019, the court held the telephonic preliminary pretrial conference. Plaintiff failed to call into the court to participate. After waiting 15 minutes past the start time, the court held the conference without plaintiff's participation and set the case calendar in consultation with defendant's attorney. The court will issue the usual preliminary pretrial conference order commemorating the dates and explaining to plaintiff the way that this court handles *pro se* civil lawsuits. Not later than January 3, 2020, plaintiff must submit a letter to this court reporting whether or not he wishes to pursue this lawsuit. If so, then we will proceed on the schedule set in the pretrial conference order. If plaintiff fails to file a timely report that he wants to go forward, then this court will dismiss this case with prejudice for failure to prosecute it.

(Dkt. #31.)

Carr's January 3, 2020, deadline has passed and he has not filed a letter indicating he intends to go forward with this lawsuit, nor has he contacted the court in a manner

otherwise suggesting he is interested in proceeding with this case. Accordingly, the court will now dismiss this case with prejudice for Carr's failure to prosecute. *James v. McDonald's Corp.*, 417 F.3d 672, 681 (7th Cir. 2005) ("A district court has the authority under Federal Rule of Civil Procedure 41(b) to enter a sua sponte order of dismissal for lack of prosecution.").

#### ORDER

IT IS ORDERED that plaintiff ArQuincy Carr's claims in this lawsuit are DISMISSED with prejudice for failure to prosecute. The clerk of court is directed to enter judgment for defendants and close this case.

Entered this 14th day of January, 2020.

BY THE COURT:

/s/

WILLIAM M. CONLEY  
District Judge